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Assistant Commissioner for Patents

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on

February 11, 2002

Date of Deposit

Gregory M. Zinkl, Ph.D.

Name of applicant, assignee or

Registered Representative

  
2/11/02

Date of Signature

TRANSMITTAL LETTER			Case No. 10716/66
Serial No. 09/888,358	Filing Date June 22, 2001	Examiner To be Assigned	Group Art Unit 1641
Inventor Adams et al.			
Title of Invention CGI-69 COMPOSITIONS AND METHODS OF USE			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in Duplicate); Information Disclosure Statement; Form PTO-1449;17 cited references; and return-receipt postcard.

Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.

A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.

Petition for a \_\_\_\_\_ month extension of time.

No additional fee is required.

The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		0
Indep.		Minus		0
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=			x \$18=	
x 39=			x \$78=	
+\$130 =			+\$260=	
	Total add'l fee	\$		total add'l fee \$ 0

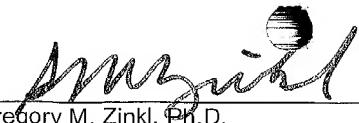
Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$. A duplicate copy of this sheet is enclosed.

A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Gregory M. Zinkl, Ph.D.  
Registration No. 48,492  
Agent for Applicants

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### CERTIFICATE OF MAILING

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Name of Applicant, Assignee or  
Registered Representative

Signature

02/11/02

Date of Signature

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FEB 25 2002

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Our Case No.: 10716/66

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Adams et al.

Serial No.: 09/888,358

Filing Date: June 22, 2001

For: CGI-69 COMPOSITIONS AND  
METHODS OF USE

Examiner: To be assigned

Group Art Unit No.: 1641

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

### PUBLICATIONS

1. Adams, S.H. 2000. Uncoupling protein homologs: emerging views of physiological function. *J Nutr.* 130:711-714
2. Brand, M.D., L.F. Chien, E.K. Ainscow, D.F.S. Rolfe, *et al.* 1994. The causes and functions of mitochondrial proton leak. *Biochim Biophys Acta.* 1187:132-139
3. Bray, G.A. 1997. Progress in understanding the genetics of obesity. *J Nutr.* 127:940S-942S
4. Goldstein, S.A., and D.H. Elwyn. 1989. The effects of injury and sepsis on fuel utilization. *Annu Rev Nutr.* 9:445-473
5. Hill, J.O., and J.C. Peters. 1998. Environmental contributions to the obesity epidemic. *Science.* 280:1371-1374
6. Kinney, J., J.H. Duke, Jr., C.L. Long, and F.E. Gump. 1970. Tissue fuel and weight loss after injury. *J. Clin. Path.* 23 (suppl. 4): 65-72
7. Mao, W., X.X. Yu, A. Zhong, W. Li, *et al.* 1999. UCP4, a novel brain-specific mitochondrial protein that reduces membrane potential in mammalian cells. *FEBS Lett.* 443:326-330
8. Must, A., J. Spadano, E.H. Coakley, A.E. Field, *et al.* 1999. The disease burden associated with overweight and obesity. *Jama.* 282:1523-1529
9. Nicholls, D.G., and R.M. Locke. 1984. Thermogenic mechanisms in brown fat. *Physiol Rev.* 64:1-64
10. Ricquier, D., L. Casteilla, and F. Bouillaud. 1991. Molecular studies of the uncoupling protein. *Faseb J.* 5:2237-2242
11. Rolfe, D.F., A.J. Hulbert, and M.D. Brand. 1994. Characteristics of mitochondrial proton leak and control of oxidative phosphorylation in the major oxygen-consuming tissues of the rat. *Biochim Biophys Acta.* 1118:405-416

12. Rolfe, D.F.S., J.M.B. Newman, J.A. Buckingham, M.G. Clark, *et al.* 1999. Contribution of mitochondrial proton leak to respiration rate in working skeletal muscle and liver and to SMR. *Am J Physiol.* 276:C692-699
13. Shimkets, R.A., D.G. Lowe, J.T. Tai, P. Sehl, *et al.* 1999. Gene expression analysis by transcript profiling coupled to a gene database query. *Nat Biotechnol.* 17:798-803
14. Tisdale, M.J. 1997. Cancer cachexia: metabolic alterations and clinical manifestations. *Nutrition.* 13:1-7
15. Yu, X.X., J.L. Barger, B.B. Boyer, M.D. Brand, *et al.* 2000a. Impact of endotoxin on UCP homolog mRNA abundance, thermoregulation, and mitochondrial proton leak kinetics. *Am J Physiol Endocrinol Metab.* 279:E433-446
16. Yu, X.X., D.A. Lewin, A. Zhong, J. Brush, *et al.* 2001. Overexpression of the human 2-oxoglutarate carrier lowers mitochondrial membrane potential in HEK-293 cells: contrast with the unique cold-induced mitochondrial carrier CGI-69. *Biochem J.* 353:369-375
17. Yu, X.X., W. Mao, A. Zhong, P. Schow, *et al.* 2000b. Characterization of novel UCP5/BMCP1 isoforms and differential regulation of UCP4 and UCP5 expression through dietary or temperature manipulation. *Faseb J.* 14:1611-1618

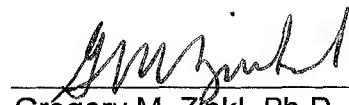
In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any

fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Gregory M. Zinkl, Ph.D.  
Registration No. 48,492  
Agent for Applicant(s)

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